

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12504 of 2005

Between:

M/s. K.G.N. National Manpower Consultancy Services,

Rep by its Partner Md. Wajid Ali, S/o. Sadiq Ali,
Md. Wajid Ali, S/o. Sadiq Ali, aged about 32 years,
R/o. D.No. 17-2-1195/A/41, Wahed Colony, Yakutpura, Hyderabad.

..... PETITIONER

AND

1 Andhra Pradesh Vaidya Vidhana Parishad,

rep by its Commissioner, Koti, Hyderabad.

2 The Convenor & Medical Superintendent, Area Hospital,

Namapally, Hyderabad.

3 M/s Swaraj Security and Sanitation, Opp : City Criminal Courts,

Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or orders or direction more so a writ in the nature of mandamus by declaring the action of the 1st and 2nd Respondents in allotment of the sanitation work in favour of the 3rd respondent which was finalized in favour of the petitioner as arbitrary, illegal, unlawful, capricious and against to the principles of natural justice and set-aside the proceedings of the 2nd respondent entrusting the work to the 3rd Respondent consequently direct the 1st and 2nd Respondents to the petitioner as per the approval of the 2nd respondent and Hospital Advisory Committee Members.

Counsel for the Petitioner : MR.G.VASANTHA RAYUDU

Counsel for Respondent Nos.1 & 2 : MR.S.A.WAHEED SHABAZ, Standing Counsel.

Counsel for Respondent No.3 : Sri A.Ravi Shankar, Advocate.

The Court made the following :

ORDER:

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This Writ Petition is filed by the petitioner aggrieved by the action of the 1st and 2nd respondents in allotting the sanitation work in favour of the 3rd respondent, which was finalized in favour of the petitioner, as arbitrary, illegal and against the principles of natural justice.

2. The respondents issued notification calling for tenders for execution of the sanitation work. One of the requirement to become eligible is the possession of labour licence. The petitioner and the third respondent along with other participated with their tenders. The third respondent was found the lowest tenderer, but did not possess the labour licence, therefore, the second respondent finalised the name of the petitioner being the second lowest tenderer for allotment of the work. But, however, respondents 1 and 2 awarded the work to respondent No.3. Hence the present writ petition.

3. Heard the both sides and considered the material on record.

4. As the allegations made were disputed, this Court directed for production of records. After verification of the records it was found that the 3rd respondent was not having the required labour license granted by the authorities under Sec.12 (1) of the Contract Labour (Regulation and Abolition) Act, 1970. As the 3rd respondent does not possess the requisite labour license to engage the contract labour for execution of the work, it cannot be awarded any work as one of the requirements as per the notification is possessing of such labour license. Therefore, the 3rd respondent has not qualified to award the proposed work for execution. Therefore, the allotment of the work to the 3rd respondent is clearly against the conditions notified by the 2nd respondent.

5. Therefore, the orders issued in favour of the 3rd respondent are set aside and the

1st and 2nd respondents are directed to entrust the work to the petitioner, who was the second lowest bidder fixing the rate at the rates quoted by the 3rd respondent. The respondents 1 and 2 are also further directed not to continue the 3rd respondent any more for execution of the work allotted to it, as the work is directed to be entrusted to the petitioner within one week from today.

6. The Writ Petition is disposed of accordingly. No costs.

S.Ananda Reddy, J.

05...07...2005

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To

- 1 The Commissioner, Andhra Pradesh Vaidya Vidhana Parishad,
Koti, Hyderabad.
- 2 The Convenor & Medical Superintendent, Area Hospital,
Namapally, Hyderabad.
- 3 2 CD copies

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P. No. 12504 of 2005

ORDER

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